

Joyce W. Lindauer
State Bar No. 21555700
Joyce W. Lindauer Attorney, PLLC
1412 Main St., Ste. 500
Dallas, Texas 75202
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
PROPOSED ATTORNEYS FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

**EMPIRE PRIME CAPITAL
INVESTMENTS INC.,**

Debtor.

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**CASE NO. 22-31121-mvl-11
Chapter 11**

DEBTOR'S APPLICATION TO EMPLOY COUNSEL

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE ST., ROOM 1254, DALLAS, TEXAS 75242 ON OR BEFORE AUGUST 15, 2022, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Empire Prime Capital Investments Inc. ("Debtor"), Debtor in the above-styled and numbered case, and files Debtor's Application to Employ Counsel, and in support of same would respectfully show the Court as follows:

DEBTOR'S APPLICATION TO EMPLOY COUNSEL

1. Debtor filed a voluntary petition under Subchapter V of Chapter 11, title 11, of the United States Bankruptcy Code on June 27, 2022, in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

2. In order to effectuate a reorganization, propose a Plan of Reorganization and effectively move forward in its bankruptcy proceeding, Debtor desires to hire Joyce W. Lindauer Attorney, PLLC as counsel in this matter effective as of June 27, 2022.

3. Joyce W. Lindauer is the owner of Joyce W. Lindauer Attorney, PLLC (the "Firm") and is an attorney practicing primarily bankruptcy law at 1412 Main Street, Suite 500, Dallas, Texas 75202, (972) 503-4033.

4. The Firm is referred to herein as "Counsel".

5. Pursuant to Bankruptcy Rule 2014(a), the Affidavit of Joyce W. Lindauer is attached hereto as Exhibit "A", and attests that she and the members of Joyce W. Lindauer Attorney, PLLC do not presently hold or represent any interest adverse to the interests of the Debtor or its estate and are disinterested within the meaning of 11 U.S.C. § 101(14) to the best of their knowledge, information, and belief.

6. Joyce W. Lindauer Attorney, PLLC has been paid a retainer of \$10,000.00 in connection with this proceeding, which included the filing fee of \$1,738.00, and which was paid by Juan Favela, President of the Debtor. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

7. Counsel has agreed to represent the Debtor on the terms set forth in this Application. The primary attorneys and paralegal within the Firm who will represent the Debtor and their hourly rates are set forth below.

Joyce W. Lindauer	\$450.00
Austin Taylor, Associate Attorney	\$275.00

Sydney Ollar, Associate Attorney	\$250.00
Larry Boyd, Law Clerk	\$195.00
Dian Gwinnup, Paralegal	\$195.00

8. These hourly rates are those regularly charged by Counsel for services rendered by the respective partners, associates, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by Counsel in the ordinary course of their business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Northern District of Texas. The Debtor has agreed to reimburse Counsel for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

9. Pursuant to the provisions of Bankruptcy Rule 2016(b) and Bankruptcy Code § 330, Counsel will file with the Court requests for allowance of payment of fees and expenses incurred by them during the pendency of this bankruptcy matter.

10. Debtor believes the employment of Counsel is in the best interest of the Debtor's bankruptcy estate. Further, the Debtor believes it is necessary to retain Counsel immediately for the purpose of proposing a Plan of Reorganization and defending the Debtor in various matters arising in this case.

WHEREFORE, PREMISES CONSIDERED, Debtor respectfully requests this Court to enter an Order approving the employment of Joyce W. Lindauer Attorney, PLLC as counsel for Debtor, upon the terms and conditions contained herein, and for such other and further relief, at law or in equity, to which Debtor may show itself justly entitled.

Dated: July 25, 2022.

Respectfully submitted,

/s/ Joyce W. Lindauer

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PROPOSED ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 25, 2022, a true and correct copy of the foregoing document was served via United States first class mail, postage prepaid, upon the U.S. Trustee and the parties on the attached service list.

/s/ Joyce W. Lindauer

Joyce W. Lindauer

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**CASE NO. 22-31121-mvl-11
Chapter 11**

AFFIDAVIT OF JOYCE W. LINDAUER

STATE OF TEXAS)
)
COUNTY OF DALLAS)

BEFORE ME the undersigned authority, on this day personally appeared the undersigned affiant, who by me sworn, upon oath stated:

1. “My name is Joyce W. Lindauer and I am over eighteen (18) years of age. I am duly admitted to practice law in the State of Texas and the United States Bankruptcy Court for the Northern District of Texas. I am the owner of the law practice Joyce W. Lindauer Attorney, PLLC (the “Firm”) and office at 1412 Main Street, Suite 500, Dallas, Texas 75202.

2. I have never been convicted of a crime and am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein and they are all true and correct to the best of my knowledge. I make this Affidavit in support of the Debtor’s Application to Employ Counsel.

3. Neither I, nor any member of the Firm, is a creditor, equity security holder, or an insider of the Debtor. Neither I, nor any member of the Firm, is and have not been within two (2) years prior to the filing of the petition, a director, officer or employee of the Debtor.

4. Neither I, nor any member of the Firm, hold any interest adverse to the estate, or of any class of creditors or equity security holders by reason of any direct or indirect relationship to, connection with, or interest in, the Debtor in the above-styled bankruptcy case and in the matters upon which the Firm is to be engaged as attorney for Debtor.

5. Neither I, Joyce W. Lindauer Attorney, PLLC, nor any partner, counsel, or associate thereof, insofar as I have been able to ascertain, have any connection with the Debtor or its creditors, the United States Trustee, persons employed in the United States Trustee's office, or any other potential parties-in-interest herein, or their respective attorneys.

6. Additionally, the proposed employment of the Firm is not prohibited by or improper under Bankruptcy Rule 5002. I am not related, and to the best of my knowledge, no attorney at the Firm is related, to any United States Bankruptcy Judge or District Court Judge for the Northern District of Texas or the United States Trustee for such district or any employee in the office thereof.

7. To the best of my knowledge, I and each member of the Firm is presently a disinterested person as defined in Section 101(14) of the Bankruptcy Code.

8. The disclosures identified above are based upon all information reasonably available to the Firm at the time of submission of this Affidavit. To the extent necessary, the Firm will supplement this Affidavit as may be required by the Bankruptcy Code and Bankruptcy Rules if and when any other relationships exist or are modified such that further disclosure is required.

9. Subject to Court approval, and in accordance with § 330(a) of the Bankruptcy Code, compensation will be payable to the Firm on an hourly basis, plus reimbursement of actual,

necessary expenses incurred by the Firm. The primary attorneys and paralegal within the Firm who will represent the Debtor and their hourly rates are set forth below.

Joyce W. Lindauer	\$450.00
Austin Taylor, Associate Attorney	\$275.00
Sydney Ollar, Associate Attorney	\$250.00
Larry Boyd, Law Clerk	\$195.00
Dian Gwinnup, Paralegal	\$195.00

10. These hourly rates are those regularly charged by the Firm for services rendered by the respective partners, associates, paralegals, and legal assistants for legal services rendered in similar bankruptcy matters. The hourly rates may be modified by the Firm in the ordinary course of its business. The charges for such services are fair and reasonable and within the normal range for services rendered in similar cases within the Northern District of Texas. The Debtor has agreed to reimburse the Firm for all reasonable out-of-pocket expenses incurred on Debtor's behalf.

11. Prior to the petition date, the Firm received a retainer of \$10,000.00, which included the filing fee of \$1,738.00 in connection with this proceeding, and which was paid by Juan Favela, President of the Debtor. The Statement required to be filed pursuant to Bankruptcy Rule 2016 is on file in this proceeding.

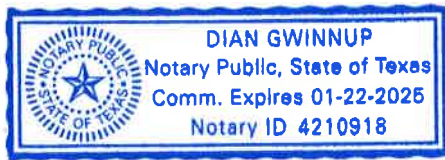
12. No promises have been received by the Firm, nor any partner, counsel or associate as to compensation in connection with this case other than in accordance with the provisions of the Bankruptcy Code. The Firm has no agreement with any other entity to share with such entity any compensation received by the Firm in connection with this case.

EXECUTED this 25 day of July, 2022.



Joyce W. Lindauer

Subscribed and sworn to before me this 25th day of July, 2022.



Dian Gwinnup
Notary Public in and for the State of Texas

Notary ID No. 4210918

Printed Name: Dian Gwinnup

My Commission Expires: January 22, 2025

Label Matrix for local noticing
0539-3
Case 22-31121-mvl11
Northern District of Texas
Dallas
Mon Jul 25 15:53:17 CDT 2022

Empire Prime Capital Investments Inc.
1910 Forest Lane
Garland, TX 75042-7916

Tarrant County
Linebarger, Goggan, Blair & Sampson, LLP
c/o Laurie A. Spindler
2777 N. Stemmons Fwy Suite 1000
Dallas, TX 75207-2328

Attorney General of Texas
Bankruptcy Division
P O Box 12548
Austin, TX 78711-2548

Empire Exotic Motors, Inc.
c/o Eric Rioja, Registered Agent
309 W. Avenue B
Garland, TX 75040-6443

Internal Revenue Service
Mail Code DAL-5020
1100 Commerce Street
Dallas, Texas 75242-1100

Matthew Oliver
a/k/a The Car Network
1840 Forest Lane
Garland, TX 75042-7914

Silver Hill Funding
c/o Community Loan Servicing
PO Box 740410
Cincinnati, OH 45274-0410

Texas Workforce Commission
101 East 15th Street
Austin, TX 78778-0001

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

City of Garland
c/o Perdue Brandon Fielder et al
1919 S. Shiloh Road, Suite 640, LB 40
Garland, TX 75042-8234

Garland ISD
c/o Perdue Brandon Fielder et al
1919 S. Shiloh Rd, Suite 640, LB 40
Garland, TX 75042-8234

1100 Commerce Street
Room 1254
Dallas, TX 75242-1305

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Dallas, TX 75207-2328

Eric Rioja
c/o Connor Nash
James S. Bell, P.C.
2808 Cole Avenue
Dallas, TX 75204-1030

Linebarger Goggan Blair & Sampson
2777 N. Stemmons Freeway
Suite 1000
Dallas, TX 75207-2328

Prime Consulting, LLC
c/o Ryan Rouz
Rouz & Associates, PLLC
1111 S. Akard St., Suite 405
Dallas, TX 75215-1020

T Bank
c/o Tiffany L. martin
Leggett Clemons Crandall PLLC
5700 Granite Parkway, Suite 950
Plano, TX 75024-6643

U. S. Attorney General
Department of Justice
Main Justice Building
10th & Constitution Ave., NW
Washington, DC 20530-0001

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T Bank, N.A.
c/o Padfield & Stout. LLP
Christopher V. Arisco
420 Throckmorton Street, Suite 1210
Fort Worth, TX 76102-3792

Ashby Townhomes LLC
c/o Eric Rioja, Registered Agent
309 W. Avenue B
Garland, TX 75040-6443

Eber Villanueva
a/k/a Citywide Motors
1910 Forest Lane
Garland, TX 75042-7916

Internal Revenue Service
Centralized Insolvency Operations
PO Box 7346
Philadelphia, PA 19101-7346

Luis Leal
1820 Forest Lane
Garland, TX 75042-7914

Robert W. Berleth
Berleth & Associates
9950 Cypresswood, Suite 200
Houston, TX 77070-3413

(p)TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
PO BOX 13528
AUSTIN TX 78711-3528

U. S. Trustee's Office
1100 Commerce Street
Room 976
Dallas, TX 75242-1011

Katharine B. Clark -SBRA V
Thompson Coburn LLP
2100 Ross Avenue, Suite 3200
Dallas, TX 75201-6704

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Texas Comptroller of Public Accounts
Revenue Accting Div - Bankr Section
PO Box 13528
Austin, TX 78711-3528

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)City of Garland
c/o Perdue Brandon Fielder et al
1919 S. Shiloh Road, Suite 640, LB 40
Garland, TX 75042-8234

(d)Garland ISD
c/o Perdue Brandon Fielder et al
1919 S. Shiloh Road, Suite 640, LB 40
Garland, TX 75042-8234

(d)Tarrant County
Linebarger Goggan Blair & Sampson, LLP
c/o Laurie A. Spindler
2777 N. Stemmons Fwy. Ste. 1000
Dallas, TX 75207-2328

End of Label Matrix
Mailable recipients 29
Bypassed recipients 3
Total 32